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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/691,110	10/22/2003	Johannes V. Baatrup	KN-69	5334												
7590 Friedrich Kueffner Suite 910 317 Madison Avenue New York, NY 10017		06/18/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">WEINSTEIN, LEONARD J</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3746</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>06/18/2007</td><td>PAPER</td></tr></table>		EXAMINER		WEINSTEIN, LEONARD J		ART UNIT	PAPER NUMBER	3746		MAIL DATE	DELIVERY MODE	06/18/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/691,110	<b>Applicant(s)</b> BAATRUP ET AL.	
	<b>Examiner</b> Leonard J. Weinstein	<b>Art Unit</b> 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the amendment of March 20, 2007. In making the below rejections and/or objections the examiner has considered and addressed each of the applicant's arguments.

#### ***Claim Objections***

2. Claims 3-5 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 3 is dependent upon canceled claim 2 and is therefore improper. Claims 4-5 are dependent upon claim 3 and are therefore improper. As best understood by the examiner claim 3 is dependent upon claim 1 which has been amended to incorporate all the subject matter of claim 2 of the application of October 22, 2003, and will be considered as such for the office action on the merits that follows.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Barthomeuf 4,659,294. Barthomeuf teaches all the limitations as claimed for an intensifier including: an intensifier piston 19 comprising a high-pressure piston 21 and a low-pressure piston 18 having a greater diameter than the high-pressure piston 21, a high-pressure cylinder

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17, wherein the high-pressure piston 21 is moveably arranged in the high-pressure cylinder 17, a low-pressure cylinder 25, wherein the low-pressure piston 18 is moveably arranged in the low-pressure cylinder 25 and wherein the high-pressure piston 21 and the low-pressure piston 18 move together, a high-pressure connection 12, via element 4, wherein the high-pressure cylinder 17 is connected to the high pressure connection 12, via element 4, a return connector 40, a control valve 34 having a first switching position (fig. 1) and a second switching position (fig. 2), a supply connector 31, a first control line 32 connected to the supply connector 31, a second control line 47 connected to the control valve 34, a first connection 24 connecting the first 32 and second 47 control lines, as shown in figure 1, wherein the low-pressure cylinder 25 is connected via the control valve 34 in the first switching position (fig. 1) to the supply connector 31, via elements 39 and 41, and in the second switching position (fig. 2) to the return connector, 40 via discharge chamber (col. 5 ll. 35-37), wherein the first (fig. 1) and second (fig. 2) switching positions are controlled by a position of the intensifier piston 19, wherein the intensifier piston 19 opens or closes the first connection 24 between the first control line 32 and the second control line 47, wherein the first connection 24 is arranged completely within a movement stroke of the high-pressure piston 21, and wherein the high-pressure cylinder 17 and the high-pressure piston 21 delimit a high-pressure chamber 2, wherein the first 32 and second 47 control lines have openings in a wall of the high-pressure cylinder 17, element 32 in communication with element 24 and element 47 in communication with element 24 via 48, in an area that, independent of a position of the intensifier piston 19, is located outside of the high-pressure chamber 2, and further comprising a second connection 41 between the control valve 34 and the low-pressure cylinder 25, wherein the low-pressure piston 18 has at least one end face, portion of element 18 in communication with element 20,

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provided with a circumferentially extending recess, as defined by element 20a, wherein the second connection 41 opens at a circumferential wall of the low-pressure cylinder 25 in an area of an end face of the low-pressure cylinder 25, as defined by the section below element 49 and above element 52; a control valve 34 is connected to the return connector 40 by a path extending through the low-pressure cylinder, with element 48 in communication with element 49 via element 23 in an area between the high-pressure piston 21 and the low-pressure pistons, with distal section of element 18 below element 23; a throttled auxiliary control path, elements 36, 39, 44 and 45 arranged between the supply connector 31 and a control connector 48 of the control valve 34, wherein the auxiliary control path, elements 36, 39, 44, and 45, switches the control valve 34 into the first switching position, as shown in figure 1 (col. 6 ll. 59-69; and col. 7 ll. 1-15); a throttled auxiliary control path, elements 36, 39, 44, and 45, is arranged in a valve element 35 of the control valve 34; and wherein a first 32 and a second 47 control line are mounted separate from the high-pressure connection 12.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barthomeuf 4,659,294. Barthomeuf teaches all the limitations as discussed including: a intensifier provide with a high-pressure piston 21 provided with a first connection section 24 overlapping the openings of the first 32 and second 47 control lines in a predetermined position of an intensifier piston 19, wherein the section forms the first connection 24; and a seal arrangement, elements 26 and 27, comprising a leakage drainage line 29, wherein the seal arrangement, elements 26 and 27, is arranged between a first connection section 24 and the high-pressure chamber 2, as shown in figure 1. Barthomeuf fails to teach the limitation of a first connection section being a recess within a high-pressure piston formed by an annular chamber therein. However Barthomeuf does teach a connection section within a low-pressure piston 18 connecting fluid lines; elements 47 and 49, when the low pressure piston is in its left most position as shown in figure 2. Barthomeuf discloses the claimed invention except that a first connection between two control lines is formed with a piston having a diameter smaller than the cylinder in which it reciprocates, in a location where the control lines are connected to the cylinder, when a piston is disposed in a predetermined position instead of keeping a diameter of a piston constant throughout with the exception of a recess formed by an annular chamber around a piston allowing a connection to be made depending on a position of the piston. However Barthomeuf shows that providing a connection between two control lines, elements 47 and 49, by utilizing a recess 23 formed by an annular chamber around a piston was an equivalent structure known in the art as discussed above. In order to rely on equivalence as a rationale supporting an obviousness-type rejection, the equivalency must be recognized in the prior art. In re Ruff, 256 F.2d 590, 118 USPQ 340 (CCPA 1958). Barthomeuf's recess 23 formed around a low-pressure

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piston 18 represents evidence that a recess within a piston formed by an annular chamber was an art-recognized equivalent structure for a piston having a diameter smaller than the cylinder in which it reciprocates in a location where control lines are connected to the cylinder.

Therefore, because these two configurations for a connection between control lines were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute a recess formed around a piston for forming a connection between control lines, for connecting control lines in a section of a cylinder where a reciprocating piston has a smaller diameter throughout the length of the piston. An express suggestion to substitute one equivalent component or process for another is not necessary to render such substitution obvious. In re Fout, 675 F.2d 297, 213 USPQ 532 (CCPA 1982).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a)

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will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

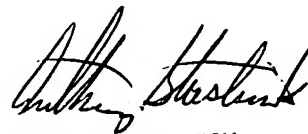
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. Weinstein whose telephone number is 571-272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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